No. 06-1610

IN THE

SUPREME COURT OF THE UNITED STATES

ANITA LEE GEORGE – PETITIONER

VS.

DR. RAKESH K. ARORA, et. al., - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF OHIO

PETITION FOR REHEARING

ANITA LEE GEORGE pro se

3420 WESTVIEW AVE. N.W.

CANTON, OHIO 44709

330-371-3810

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PETITION FOR REHEARING

The Petitioner Anita Lee George respectfully petition this Court for Rehearing pursuant to Rule 44.1

INTRODUCTION

On November 25, 2003 and on January 20, 2004 the Plaintiff, Petitioner had carpal tunnel surgery on the right hand and then on the left hand and both times Betadine Iodine was administrated in spite of Anita Lee George's known allergy to Iodine.

The carpal tunnel surgery was done to relieve the swelling in the patient's hands and wrist. This operation was done to enable the patient to continue to do a satisfactory work performance at her place of employment. She had worked a Crown, Cork and Seal for nearly fifteen years.

Since Anita Lee George was not physically able to return to her former job, she has been terminated. A state examination done by Ohio Bureau of Workers Compensation (B.W.C.) stated that she was at the maximum medical improvement and that she could not return to heavy lifting and repetitive work. This examination was done by Paul C. Martin M.D., FACPM, Certified Independent Medical Examiner.

LACK OF INFORMED CONSENT

It is only the physician and allied health care provider who is permitted in our society to inject a drug or chemical into our body to cut into our body with a knife or scalpel, and/or to invade our body with various other therapeutic methods and devices.

Obviously, under other circumstances, such an invasion of our personal physical integrity would be a criminal outrage. However, when trained physicians and health care providers are appropriately "invading" our body in a skilled manner, they are doing exactly what we and society in general wish them to do.

It is the role of the physician and health care provider to "heal". There is no greater nor more noble role in our society.

However, the physician or health care provider must have our consent to so act. The consent must be "informed". While the hospital or health care providers do not per se establish the legal elements for liability, it is appropriate to understand just how hospitals and health care providers perceive this subject.

The Joint Commission of Accreditation of Hospitals states the patient has the right to reasonable informed participation in decisions involving his health care.

The patient should not be subjected to any procedure without his voluntary, competent, and understanding consent.

Where medically significant alternatives for care or treatment exist, the patient shall be so informed. The patient Anita Lee George did not consent to have Betadine, Iodine administered to her body in spite of her terrible allergic reaction to Iodine. The patient should have been given an alternate drug.

The consent for a medical procedure must be premised on solid medical history taking. For a care giver to obtain a valid consent necessarily implies a solid understanding of the patients medical history, risk factors, complications, allergies, intolerance, and the like can come to light only through thorough patient medical history.

There are warning labels on Betadine, Iodine drug products, stating not to use the drug on persons who are allergic to Iodine.

Therefore, the Court ignored the evidence and the genuine issue of material fact does exist in this claim. The Plaintiff, Petitioner lost her job because of the negligent surgery that delayed her return back to work.

The Honorable Judge William P. Hoffman of the Fifth Appellate District Court of Appeal gave his opinion, that Anita Lee George's claim Defendant, Respondent; Dr. Arora fell below the applicable standard of care does not require expert medical opinion.

There the Ohio Bureau of Worker's Compensation is entitled to reimbursement of the worker's compensation benefits paid to the Petitioner over a three year period that totaled to about $130,000 in Government monies.

The Petitioner, Anita Lee George received a letter sent by Tom W. of the Ohio Bureau of Worker's Compensation Law Section/Subrogation, in Columbus, Ohio.

According to Ohio Revised Code Section 4123, 93 et. seq., B.W.C. is entitled to reimbursement of the worker's compensation benefits paid in this claim from the settlement or judgment against the person who caused or contributed to an accident or injury.

CONCLUSION

Based on the foregoing reasons, the Petitioner request that her Petition for Rehearing be granted. **In God We Trust**

Respectfully submitted,

Anita L. George

Anita Lee George pro se
3420 Westview Ave. N.W.
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330-371-3810

Date: November 27, 2007

CERTIFICATE OF COUNSEL

As the Petitioner, I hereby certify that this Petition for Rehearing is presented in good faith and not for purposes of delay.

Anita L. George

Anita Lee George pro se

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PROOF OF SERVICE

I, ANITA LEE GEORGE , do swear or declare that on this date, November 27, 2007, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United State mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows: Christopher S. Humpherey, attorney for Dr. Rakesh K. Arora, Buckingham, Doolittle & Burroughs, 4518 Fulton Drive N.W. P.O. Box 35548, Canton, Ohio 44735-5548 and Alicia M. Wyler, attorney for Mercy Medical Center, Suite 300, 200 Market Avenue North P.O. Box 24213, Canton, Ohio 44701-4213

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 27, 2007

Anita L. George